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Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Comprehensive review of the compensation of death and disability benefits to military contingents, formed police units, military observers and civilian police officers

Report of the Secretary-General

Summary

The present report is submitted pursuant to section X, paragraph 9, of General Assembly resolution 61/276 and presents proposals to simplify, streamline and harmonize the process for the payment of death and disability compensation to members of military contingents, formed police units, military observers and civilian police officers, including the equal treatment to all uniformed personnel deployed in field missions.

The report should be read in conjunction with document A/62/805 and Corr.1, submitted in response to section X, paragraphs 4 and 6, of resolution 61/276.

The actions to be taken by the General Assembly are set out in paragraph 21.

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I. Introduction

1. In section X, paragraph 9, of its resolution 61/276, the General Assembly requested the Secretariat to conduct a comprehensive review of the administrative and payment arrangements and procedures for the payment of compensation in cases of death and disability sustained by members of peacekeeping contingents and formed police units, civilian police officers and military observers with a view to simplifying, streamlining and harmonizing the current process, and to submit a report thereon to the General Assembly at the second part of its resumed sixty-second session addressing, inter alia, the following issues:

(a) Options to ensure the equal treatment of members of peacekeeping contingents and formed police units, civilian police officers and military observers;

(b) The possible establishment of a deadline for the completion and submission of board of inquiry reports and measures to ensure its observance;

(c) Clear delineation of responsibilities of the United Nations and the Member States in the submission of documentation in support of death and disability claims;

(d) Full lists of documents to be submitted in support of death and disability claims by the Member States and, where applicable, beneficiaries;

(e) Possible limits in the number of requests for documents besides those specified in the lists referred to in subparagraph (d) above;

(f) The principle that in cases of doubt, death and disability claims are given sympathetic consideration;

(g) Possible procedures for a simplified settlement of death and disability claims whenever the Secretary-General is unable to complete the administrative procedures for processing such claims within the established time limit.

2. Prior to 1997, the death and disability compensation paid to members of military contingent was based on the national standards of the troop-contributing countries and police-contributing countries. This procedure was time-consuming, resulted in unequal treatment for contingent members from different countries and was perceived to be unfair owing to varying national practices. In section II of its resolution 51/218 E, the General Assembly established an amount of $50,000 towards the payment for death cases for members of military contingents and formed police units. In the case of permanent disability, the reimbursement was to be a percentage of $50,000. This was done for the purpose of uniform and standardized compensation to ensure equal treatment for all contingent members. By its resolution 52/177, the General Assembly resolved that all mission-related death and disability should be compensable unless there was gross negligence or wilful misconduct on the part of the injured or deceased and requested the Secretary-General to settle all death and disability cases within three months. Following the adoption of the resolution, the Secretariat issued guidelines to all troop- and police-contributing countries on claims submission procedures and the supporting documentation required. Compensation for death or disability is remitted to the permanent mission of the Member State, on behalf of the legal heirs of the deceased, or to the injured person.

3. Compensation for military observers and civilian police officers follows the procedure prescribed for United Nations staff members and is communicated to Member States through notes for guidance for peacekeeping operations. These notes provide for compensation coverage for death, injury or illness that is determined by the Secretary-General to have been attributable to the performance of official duties on behalf of the United Nations. In the event of death, the amount of compensation is $50,000, or twice the military observer's/civilian police officer's base annual salary, less allowances, whichever is greater. In the event of injury or illness that has resulted in a permanent loss of function of the whole person, a proportionate amount is awarded. No compensation is awarded when the death, injury and illness has been occasioned by the wilful misconduct of the military observer or civilian police officer. Payments are directly remitted to the duly recognized beneficiaries of the deceased or to the injured person. The compensation was increased from $20,000 to $50,000 in 1991 and has remained at that level since then.

4. Since 1997, the Secretariat has paid compensation in the event of death in 630 cases for military contingent and formed police unit members, while 73 cases were compensated for military observers and civilian police officers. During the same period, 190 permanent disability cases were compensated for military contingent and formed police units along with 65 cases for military observers and civilian police officers.

5. As at 30 September 2008, 120 cases for military contingents and formed police units, 14 for death and 106 for disability, were under processing and 23 cases were under review for civilian police officers and military observers, 7 for death and 16 for disability (see annex to the present report). Out of the aforementioned, 93 cases await further information from Member States and 50 cases are related to additional information requested from field missions.

II. Current methodology followed for settlement of death and disability claims

Procedure for settlement of claims for military contingents/formed police units

6. Claims for compensation for military contingents and formed police units in the event of death are submitted to the Field Budget and Finance Division of the Department of Field Support following the guidelines established by the General Assembly in its resolution 52/177 as detailed in the report of the Secretary-General on death and disability benefits (A/52/369). Troop-contributing counties are notified of cases of death and injuries through notifications of casualty (NOTICAS) forms sent by mission headquarters to permanent missions in New York through the Department of Peacekeeping Operations. Upon receipt of the claim from a troop-contributing country/police-contributing country, the Division requests a "NOTICAS confirmation" from the mission's force commander/police commissioner confirming whether the death was mission-related and if the Member State is entitled to full death compensation. When the force commander/police commissioner confirms that: (a) the death was mission-related; (b) the investigation found that there was no evidence of gross negligence or wilful misconduct on the part of the contingent/formed police unit member; and (c) the Member State is entitled to a full death award, the Secretariat does not wait for the completion of the

board of inquiry process to settle the claims. However if the prima facie evidence does indicate gross negligence, the force commander/police commissioner or the Division awaits the outcome of the board of inquiry report to ascertain, inter alia, the cause of death and to establish if it was mission-related. In cases of death due to illness, the opinion of the Medical Services Division within the Department of Management is also sought to make a determination as to whether the death was due to a pre-existing medical condition. After confirmation that the death was mission-related and not due to a pre-existing medical condition, compensation is paid to the Member State. No compensation is payable if the death was due to gross-negligence on the part of the contingent/police unit member or due to a pre-existing medical condition.

7. The disability compensation to military contingents/formed police units is paid only when the disability or loss of function is of a permanent nature and is mission-related. The procedure for obtaining NOTICAS confirmation from the mission is the same as enumerated for death cases in paragraph 6 above. Simultaneously the medical documentation is sent to the Medical Services Division for review and recommendation on the percentage of permanent loss of function or disability when all treatment is completed and maximum recovery is achieved. The Division calculates this by using the latest edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment*. The Secretariat considers the claim to be complete when all medical information is submitted by the Member State and after that settlement is done within 90 days from the date when the last relevant documentation is received. No compensation is payable if the injury/disability was due to gross negligence on the part of the contingent/police unit member or due to a pre-existing medical condition.

Procedure for settlement of claims for military observers/civilian police officers

8. The claims for compensation for death or disability for military observers, civilian police officers and other seconded personnel (corrections officers) follow the procedure prescribed for United Nations staff members. These claims are payable only when the death or disability is attributable to the performance of official duties on behalf of the United Nations. The claims are submitted to Field Personnel Division of the Department of Field Support and are forwarded to the Advisory Board on Compensation Claims under the Department of Management for review and recommendation in accordance with appendix D to the Staff Rules. In these cases a "NOTICAS confirmation fax" is not required from the force commander/police commissioner. The Advisory Board, which meets once every two months, reviews the case once all the required documentation has been received. The Advisory Board relies on an official incident/investigation report or a board of inquiry, which describes the circumstances of the death/injury or illness and confirms whether the claimant was performing official duties at the time of the incident, and a death certificate and a medical or autopsy report (if available), and requires the statement of earnings clearly indicating the base salary and allowances separately along with banking and other information about the beneficiaries, to review and recommend the level of compensation. In a case where the death was the result of an injury or illness, the opinion of the Medical Services Division is sought to determine if the death or disability was the result of a pre-existing illness. In disability cases related to injury or illness, the Advisory Board seeks the opinion of

the Division on the extent of permanent loss or function. The Division calculates this by using the latest edition of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* when all treatment is completed and maximum recovery is achieved. The Secretariat considers the claim to be complete on the date when the final medical information is submitted. The recommendation of the Advisory Board is signed by the Controller, on behalf of the Secretary-General, and compensation is then paid to the injured or the duly recognized beneficiaries of the deceased.

III. Comprehensive review of the administrative and payment arrangements and procedures for payment

9. To conduct the comprehensive review of the administrative and payment arrangements, the Secretariat established a working group with representatives of the Department of Management (Medical Services Division and Advisory Board on Compensation Claims) and the Department of Field Support (Field Personnel Division and Field Budget and Finance Division) to review the current rules along with the methodology and to suggest measures to improve the process.

Equal treatment of members of military contingents, formed police units, military observers and civilian police officers

10. Under the current system, award for death or disability depends on the nature of deployment of the uniformed personnel. While beneficiaries of deceased military contingent and formed police unit members are awarded a maximum payment of $50,000, beneficiaries of civilian police officers and military observers may receive more than $50,000, if their last drawn annual salary less allowances exceeded $25,000. As an example, if two officers of equal rank, a military observer and a contingent member, from the same troop-contributing country die in an accident, both cases will be treated differently. In the case of the contingent member, if the force commander confirms that it was a mission-related death and there was no prima facie evidence of gross negligence or wilful misconduct on the part of the contingent/police member, the Member State will be paid $50,000 with the assurance that the amount paid to the duly recognized beneficiaries of the deceased will not be less than what is received from the United Nations. With regard to the military observer, the Secretariat will first establish if the death was service-incurred, which will require an official incident/investigation report or a board of inquiry report. If the board of inquiry establishes that the death was not service-incurred, no compensation will be paid. However, if the death is recognized as being service-incurred, the Secretariat will calculate the compensation benefit based on the base salary, less allowances, as per the provisions of the notes for guidance issued for peacekeeping operations. In a case where the annual salary, without benefits, is for example $40,000, the compensation paid directly to the duly recognized beneficiaries of the deceased will be $80,000, 60 per cent higher than that paid to a contingent member of equal rank.

11. To remedy this situation, the Secretariat recommends an award of $50,000 to all categories of uniformed personnel (military contingents, formed police units, military observers, civilian police officers and other seconded personnel). This

recommendation is made following the principle of equity used by the General Assembly in it its resolution 51/218 E for troop/formed police unit troop reimbursements, under which equal payment is made for all ranks of personnel deployed, irrespective of nationality.

12. The Secretariat also recommends that the General Assembly approve the application of the methodology enumerated in document A/52/369 (and followed for contingent/formed police personnel), in death and disability cases related to military observers, civilian police officers and other seconded uniformed personnel. This would lead to the standardization of the process for all categories of uniformed personnel as military observers and civilian police officers report to the force commander and police commissioner, respectively, and lead to the quick resolution of most cases. Another benefit would be that all cases would be reimbursed as being mission-related on the basis of the NOTICAS confirmation from the force commander/police commissioner, compared with the current provision of being attributable to the performance of official duties on behalf of the United Nations for military observers/civilian police officers/other seconded personnel. Currently the Advisory Board on Compensation Claims meets once every two months and a case that is incomplete for any reason is postponed to a subsequent meeting. Consolidating all types of death and disability cases under one office (Field Budget and Finance Division) would speed up the process of settlement as the Division settles cases (except those related to gross negligence or wilful misconduct on the part of the deceased or injured), without waiting for a board of inquiry report, within 90 days of the receipt of the complete supporting records.

Possible establishment of a deadline for the completion and submission of board of inquiry reports and measures to ensure its observance

13. The Secretariat processes death and disability cases for troops/formed police units without waiting for a board of inquiry report, when the force commander/police commissioner confirms that there has been no evidence in the investigation to indicate any gross negligence or wilful misconduct on the part of the contingent/formed police unit member. However, in cases of gross negligence or wilful misconduct on the part of contingent/formed police unit members and cases related to military observers and civilian police officers, a board of inquiry report is mandatory. To standardize the board of inquiry procedures and speed up the process, the Secretariat issued a policy directive and standard operating procedures effective 1 June 2008. These documents direct the missions to complete the board of inquiry proceedings as soon as possible, preferably within four weeks. In July 2008, the Secretariat conducted a workshop for missions' board of inquiry focal points for the purpose of ensuring the uniform application of the new guidelines, particularly the need for the timely completion of board of inquiry reports on death and disability cases related to uniformed personnel cases. The Department of Field Support is conducting a review of the backlog of cases with the mission focal points to ensure the expedited completion of the board of inquiry proceedings, specifically on cases related to Member States and has reiterated in a message to the heads of all field missions the need for the timely completion of board of inquiry reports. In order to ensure the timely completion of board of inquiry proceedings on cases of a highly technical nature or where specialized skills are required, the newly established policy

enables the Under-Secretary-Generals of the Department of Peacekeeping Operations and the Department of Field Support to establish a headquarters board of inquiry, drawing on the necessary resources and skills of Headquarters and the missions.

Clear delineation of responsibilities of the United Nations and Member States in the submission of documentation in support of death and disability claims

14. The report of the Secretary-General on death and disability benefits (A/52/369) established the procedure to be followed for processing death and disability claims. The Department of Field Support provides briefings to Member States on the procedure to be followed and the documentation to be submitted in support of claims. The responsibilities of the Secretariat and Member States are enumerated below:

(a) Secretariat shall:

(i) Transmit the NOTICAS form to the Member State concerned;

(ii) Send a letter acknowledging the claim;

(iii) Obtain NOTICAS confirmation from the mission that the death/disability was mission-related and that there was no gross negligence or misconduct on part of the contingent/formed police unit member. If required, it will review the board of inquiry report;

(iv) Review the documentation submitted to ascertain whether the death/disability was due to a pre-existing condition;

(v) Request the necessary medical information on the treatment provided and the extent of permanent disability or loss of function;

(vi) Determine the extent of permanent disability or loss of function based on the medical information provided;

(vii) Settle the claim, along with the appropriate medical treatment and funeral costs.

(b) Member States shall:

(i) Submit the claim in the format enumerated in annex IV to document A/52/369 along with a copy of the NOTICAS form;

(ii) For death claims, attach a copy of the death certificate; in cases of death due to illness, provide a copy of the medical reports;

(iii) For disability claims, provide the appropriate medical treatment history and final assessment of the extent of disability;

(iv) Provide any specific medical reports related to the illness/injury.

15. The Secretariat will continue to provide the necessary briefings with a view to helping Member States on the procedure and documentation necessary for the settlement of claims, in order to reduce subsequent requests for documentation. The Secretariat remains ready to assist Member States on the documentation required for any specific case in order to settle them expeditiously.

Documents to be submitted in support of death and disability claims by Member States and, where applicable, beneficiaries

16. The following documentation should be submitted with death and disability claims:

(a) For death claims:

(i) A copy of the death certificate;

(ii) A copy of the autopsy report, if available;

(iii) A copy of the predeployment medical examination;

(iv) A copy of the medical records to determine if there were any pre-existing medical conditions;

(v) Medical reports from treating facility/physician;

(vi) Supporting documentation for medical expenses claimed, if any;

(vii) A copy of invoices for funeral expenses;

(b) For disability claims:

(i) Medical reports from the treating doctors indicating the diagnosis, treatment provided and a determination of disability or permanent loss of function after maximum recovery has been achieved;

(ii) Any medical reports associated with the injury/illness, not limited to X-rays, CT scans, pathology reports, MRI, etc.;

(iii) A copy of the predeployment medical examination;

(iv) A copy of the medical records to determine if there were any pre-existing medical conditions;

(v) Supporting documentation for medical expenses claimed, if any.

17. The list of medical records/report in paragraph 16 is not exhaustive and depends on the nature of injury/illness sustained.

Possible limits in the number of requests for documents, besides those in the list in paragraph 16

18. The Financial Regulations and Rules of the United Nations require that all payments should be supported by pertinent documentation, necessitating the Secretariat to request required medical and other records before a claim can be certified and paid. As noted in paragraph 17 above, the requisite medical documentation depends on the nature of illness or injury sustained and is the basis for establishing that the necessary medical treatment has been completed, maximum recovery has been achieved and further treatment will not lead to any changes, and the extent of permanent loss of function. It has been noted that on several occasions relevant reports were not initially submitted, leading to further requests. Limiting the number of requests will force the Secretariat officials to process claims with incomplete data, determine the permanent loss of function without any relevant medical evidence, such as a case related to a pre-existing medical condition. It

would be inappropriate for officials to certify unsubstantiated claims as this would be in contradiction to the Financial Regulations and Rules of the United Nations as the Secretariat is obligated to certify payments that are supported by relevant documents as they are auditable by oversight bodies. The Secretariat requests submission of cases with appropriate documentation for timely resolution of cases and does not recommend putting any limit on the number of requests for additional medical information.

The principle that in cases of doubt, death and disability claims are given sympathetic consideration

19. The Secretariat considers all cases of death and disability with sympathy, taking into account all relevant factors, and endeavours to pay compensation whenever a death or permanent disability occurs during a person's deployment in peacekeeping operations. However the Secretariat is under obligation to settle cases in accordance with the Financial Rules and Regulations of the United Nations, which state that all payments must be based on appropriate supporting documentation. All documents submitted are carefully reviewed and additional information is sought to ensure that all deserving cases are compensated appropriately.

Possible procedures for a simplified settlement of death and disability claims whenever the Secretary-General is unable to complete the administrative procedures for processing such claims within the established time frame

20. The harmonization of the claims process for all uniformed personnel through the Field Budget and Finance Division, suggested in paragraph 12, would certainly lead to the timely completion of the administrative process and reimbursement. The Secretariat can only finalize the administrative process after all the supporting documentation has been received. The Secretariat settles all the claims within 90 days of the date of receipt of final medical reports or other appropriate records.

IV. Actions to be taken by the General Assembly

21. **The General Assembly is requested:**

(a) **To approve the application of the methodology and reimbursement rates followed to settle contingent/formed police unit death or disability claims in cases related to the death or disability of military observers/civilian police officers/other seconded uniformed personnel in peacekeeping missions;**

(b) **To establish a uniform death compensation of $50,000 and a proportionate amount for permanent disability or loss of function;**

(c) **To allow the Secretariat to request appropriate medical/supporting documentation without placing any limit on the number of requests to Member States.**

Annex

Claims in process as at 30 September 2008

A. Death claims for military contingents and formed police units

By country

Country	*Number of claims*
Bangladesh	2
Benin	1
India	1
Kenya	1
Mongolia	2
Morocco	1
Nigeria	1
South Africa	4
Thailand	1
Total	**14**

By mission

Mission	*Number of claims*
United Nations Organization Mission in the Democratic Republic of the Congo	5
United Nations Stabilization Mission in Haiti	2
United Nations Mission in Liberia	1
United Nations Mission in the Sudan	2
United Nations Operation in Burundi	3
United Nations Operation in Côte d'Ivoire	1
Total	**14**

B. Disability claims for military contingents and formed police units

By country

Country	*Number of claims*
Bangladesh	5
Bolivia	1
China	1
Ethiopia	5
Ghana	3
Guinea	1
India	18
Jordan	15
Kenya	1
Morocco	1
Nigeria	1
Pakistan	7
Poland	25
Senegal	1
Sri Lanka	1
Ukraine	2
Zambia	18
Total	**106**

By mission

Mission	*Number of claims*
United Nations Disengagement Observer Force	10
United Nations Interim Force in Lebanon	15
United Nations Organization Mission in the Democratic Republic of the Congo	7
United Nations Mission in Ethiopia and Eritrea	4
United Nations Mission in Liberia	10
United Nations Mission in Sierra Leone	35
United Nations Operation in Burundi	1
United Nations Mission in the Sudan	13
United Nations Operation in Côte d'Ivoire	4
United Nations Stabilization Mission in Haiti	7
Total	**106**

C. Claims for civilian police officers

Death claims by mission

Mission	*Number of claims*
United Nations Interim Administration Mission in Kosovo	1
United Nations Mission in Liberia	1
Total	**2**

Disability claims by mission

Mission	*Number of claims*
United Nations Mission in Bosnia and Herzegovina	1
United Nations Interim Administration Mission in Kosovo	6
United Nations Protection Force	1
United Nations Organization Mission in the Democratic Republic of the Congo	1
United Nations Integrated Mission in Timor-Leste	1
United Nations Mission in Sierra Leone	1
United Nations Transitional Authority in Cambodia	1
Total	**12**

D. Claims for military observers

Death claims by mission

Mission	*Number of claims*
United Nations Operation in Côte d'Ivoire	1
United Nations Assistance Mission for Iraq	1
United Nations Organization Mission in the Democratic Republic of the Congo	1
United Nations Mission in Nepal	2
Total	**5**

Disability claims by mission

Mission	*Number of claims*
United Nations Military Observer Group in India and Pakistan	1
United Nations Organization Mission in the Democratic Republic of the Congo	1
United Nations Mission of Support in East Timor	1
United Nations Transitional Administration	1
Total	**4**